

AMENDED IN SENATE JUNE 24, 2009

AMENDED IN SENATE JUNE 10, 2009

AMENDED IN ASSEMBLY MARCH 23, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 307**

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**Introduced by Assembly Member Cook**

February 17, 2009

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An act to add ~~Sections 16005 and 16106 to the Business and Professions Code~~ *Section 653.5 to the Penal Code*, relating to business licenses.

### LEGISLATIVE COUNSEL'S DIGEST

AB 307, as amended, Cook. ~~Business licenses~~ *Sex offenders: ice cream truck operation.*

Existing law ~~authorizes the legislative body of an incorporated city and the board of supervisors of a county to issue business licenses to persons to operate any kind of business not prohibited by law. requires persons convicted of specified sex offenses to register with local law enforcement authorities and update that registration, as specified. A willful violation of these registration requirements is punishable as a misdemeanor or as a felony, as specified. Existing law requires that persons who are subject to registration be informed of their duty to register upon release from incarceration or confinement in a hospital, as specified.~~

This bill would ~~prohibit a city or county from issuing a license to operate an ice cream truck, as defined, to any person registered make it a misdemeanor for any person who is required to register as a sex offender because of a conviction for a crime in which the victim was a~~

~~person~~ under 16 years of age to engage in ice cream truck vending, as defined. Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SEC. 1. Section 653.5 is added to the Penal Code, to read:*

2     653.5. (a) Any person required to register as a sex offender  
3     pursuant to Chapter 5.5 (commencing with Section 290) of Title  
4     9 of Part 1, the Sex Offender Registration Act, because of a  
5     conviction for a crime that involved a victim who was under 16  
6     years of age, who engages in retail ice cream truck vending, is  
7     guilty of a misdemeanor.

8     (b) As used in this section, “ice cream truck” shall have the  
9     same meaning as the term is defined in subdivision (c) of Section  
10    22456 of the Vehicle Code.

11    (c) For purposes of this section, “ice cream truck vending”  
12    shall include the selling, displaying, or offering to sell any item  
13    specified in subdivision (c) of Section 22456 of the Vehicle Code  
14    from an ice cream truck.

15    *SEC. 2. No reimbursement is required by this act pursuant to*  
16    *Section 6 of Article XIII B of the California Constitution because*  
17    *the only costs that may be incurred by a local agency or school*  
18    *district will be incurred because this act creates a new crime or*  
19    *infraction, eliminates a crime or infraction, or changes the penalty*  
20    *for a crime or infraction, within the meaning of Section 17556 of*  
21    *the Government Code, or changes the definition of a crime within*  
22    *the meaning of Section 6 of Article XIII B of the California*  
23    *Constitution.*

24    ~~SECTION 1. Section 16005 is added to the Business and~~  
25    ~~Professions Code, to read:~~

1     ~~16005. No person registered as a sex offender pursuant to~~  
2     ~~Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1~~  
3     ~~of the Penal Code because of a conviction for a crime in which~~  
4     ~~the victim was a person under 16 years of age shall be issued a~~  
5     ~~license by a city to operate an ice cream truck, as defined in~~  
6     ~~subdivision (e) of Section 22456 of the Vehicle Code.~~

7     ~~SEC. 2. Section 16106 is added to the Business and Professions~~  
8     ~~Code, to read:~~

9     ~~16106. No person registered as a sex offender pursuant to~~  
10    ~~Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1~~  
11    ~~of the Penal Code because of a conviction for a crime in which~~  
12    ~~the victim was a person under 16 years of age shall be issued a~~  
13    ~~license by a county to operate an ice cream truck, as defined in~~  
14    ~~subdivision (e) of Section 22456 of the Vehicle Code.~~